

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 SEAN GUESS, on behalf of himself and all) Case No. C06-07535 – JF
4 others similarly situated,)
5 Plaintiff,) The Honorable Jeremy Fogel
6 vs.) STIPULATION AND [PROPOSED]
7 US BANCORP; US BANCORP) ORDER
8 INVESTMENTS; U.S. BANK N.A.; U.S.)
9 BANK d/b/a U.S. BANK HOME)
10 MORTGAGE; and DOES 1-50,)
11 Defendants.)

11 **SCHIFFRIN BARROWAY TOPAZ & KESSLER, LLP**

12 Alan R. Plutzik (Bar No. 077785)
13 L. Timothy Fisher (Bar No. 191626)
14 2125 Oak Grove Road, Suite 120
15 Walnut Creek, California 94598
16 Telephone: (925) 945-0200
17 Facsimile: (925) 945-8792

18 - and -

19 Joseph H. Meltzer
20 Gerald D. Wells, III
21 Katherine B. Bornstein (Bar No. 249926)
22 Robert J. Gray
23 Robert W. Biela
24 280 King of Prussia Road
25 Radnor, PA 19087
26 Telephone: (610) 667-7706
27 Facsimile: (610) 667-7056

28 *Attorneys for Plaintiff Sean Guess*

22 **WINSTON & STRAWN LLP**

23 Joan B. Tucker Fife (SBN:144572)
24 101 California Street
25 San Francisco, CA 94111
26 Telephone: 415-591-1000
27 Facsimile: 415-591-1400

28 - and -

29 Jessie A. Kohler (SBN: 179363)
30 Eric E. Suits (SBN: 232762)
31 333 South Grand Avenue
32 Los Angeles, CA 90071-1543

1 Telephone: 213-615-1700
2 Facsimile: 213-615-1750

3 *Attorneys for Defendants*
4 *US BANCORP, US BANCORP*
5 *INVESTMENTS, U.S. BANK N.A., U.S. BANK*

6 WHEREAS on March 19, 2008, the Court entered the parties' Stipulation and Proposed
7 Order setting forth a briefing schedule for Plaintiff's Renewed Motion for Conditional Class
8 Certification and Court Authorized Notice Pursuant to U.S.C. § 216(b) (the "Scheduling Order");

9 WHEREAS the Scheduling Order provided that Plaintiff will file his motion for class
10 certification pursuant to Fed. R. Civ. P. 23 on or before 45 days following the hearing on Plaintiff's
11 renewed motion for conditional class certification;

12 WHEREAS the Court held a hearing on Plaintiff's renewed motion for conditional class
13 certification on July 18, 2008;

14 WHEREAS Plaintiff's motion for class certification pursuant to Fed. R. Civ. P. 23 is
15 currently due on or before September 2, 2008;

16 WHEREAS the parties require additional time to conduct discovery, including depositions of
17 out of state witnesses; and

18 WHEREAS the parties agree that Plaintiff may have an additional thirty (30) days to submit
19 his motion for class certification pursuant to Fed. R. Civ. P. 23;

20 The parties hereby STIPULATE and agree as follows:

21 Plaintiff will file his motion for class certification pursuant to Fed. R. Civ. P. 23 no later than
22 October 2, 2008;

23 Defendants will have forty-five (45) days to file an opposition;

24 Plaintiff will have thirty (30) days to file his reply.
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